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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,444	02/04/2005	Yasuyoshi Kato	KAWZ 200112	9980
Richard J Minnich Fay Sharpe Fagan Minnich & McKee 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2518				
EXAMINER				
MARTINEZ, BRITTANY M				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/506,444

Applicant(s)

KATO ET AL.

Examiner

BRITTANY M. MARTINEZ

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Application

Applicant's arguments/remarks and amendments filed on June 12, 2008, have been carefully considered. **Claims 1-15** are pending in this application, with **Claim 1** amended. Upon further consideration of the restriction requirement made October 2, 2007, the restriction requirement has been withdrawn. **Claims 1-15** have been examined.

Claim Rejections - 35 USC § 102/103

The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office action.

1. **Claims 8-15** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sugishima et al. (JP 08-257402).
2. With regard to **Claims 8 and 12-15**, Sugishima discloses a catalyst for removing nitrogen oxides (Sugishima, Claim 1). The process for producing the composition is held to be obvious, when the reference teaches a product that appears to be the same as, or an obvious variant of, the product set forth in a product-by-process claim although produced by a different process See In re Marosi, 710 F.2d 799, 218 USPQ 289 (Fed. Cir. 1983), and In re Thorpe, 777 F.2d 695, 227 USPQ 964 (Fed. Cir.1985). See also MPEP 2113.

3. With regard to **Claim 9**, Sugishima discloses a method of removing nitrogen oxides from an exhaust gas containing the nitrogen oxides by using a catalyst in the presence of ammonia (Sugishima, Claim 3).
4. With regard to **Claim 10**, Sugishima discloses a method of removing nitrogen oxides, wherein the temperature of the exhaust gas is 400°C (Sugishima, 0006).
5. With regard to **Claim 11**, Sugishima discloses a method of removing nitrogen oxides, wherein the exhaust gas is an exhaust gas from a gas turbine (Sugishima, 0001).

Allowable Subject Matter

1. **Claims 1-7 are allowed.**
2. The following is a statement of reasons for the indication of allowable subject matter: Sugishima does not disclose or suggest a method for producing a catalyst for removing nitrogen oxides, wherein a sol-like material formed by dispersing cerium dioxide in a dispersion medium is used. Rather, Sugishima discloses a method for producing a catalyst for removing nitrogen oxides, wherein soluble compounds of titanium, tungsten, and cerium are co-precipitated.

Response to Amendments

Applicant's amendments, filed June 12, 2008, with respect to the Oath/Declaration, title, abstract, and claims have been fully considered and are accepted. The objections to the Oath/Declaration, title, and abstract, filed December 13, 2007, have been withdrawn.

Response to Arguments

1. Applicant's arguments, filed June 12, 2008, with respect to the claim rejections of **Claims 1-7** have been fully considered and are persuasive. The 35 U.S.C § 102(b) rejection of **Claims 1-2 and 4-5**, 35 U.S.C § 103(a) rejection of **Claim 3**, 35 U.S.C § 103(a) rejection of **Claim 6**, and 35 U.S.C § 103(a) rejection of **Claim 7** have been withdrawn in view of Applicant's arguments.

Conclusion

1. **Claims 1-7 are allowed.**
2. In general, prior art renders the invention of **Claims 8-15** obvious.
3. Applicant is required to provide pinpoint citation to the specification (i.e. page and paragraph number) to support any amendments to the claims in all subsequent communication with the examiner. **No new matter will be allowed.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRITTANY M. MARTINEZ whose telephone number is (571) 270-3586. The examiner can normally be reached Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached at (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wayne Langel/
Primary Examiner, Art Unit 1793

BMM

/Brittany M Martinez/
Examiner, Art Unit 1793